IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 803 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/10/1997 in WP No. 7029 of 1989 on the file of the High Court.)

Between:

P.Rama Rao s/o Venkata Rao, r/o H.No.57-8-110/122 Gowri Nagar, Kancherupalem, Visakhapatnam.

..... APPELLANT

AND

1. Deputy Chairman, Dock Labour Board, Visaakhapatnam.
2. Chairman, Dock Labour Board, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: M.Surendra Rao.

Counsel for the Respondent Nos.1& 2 : MR K.Srinivasa Murthy

T**he Court made the following :**

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenging the order of the learned single Judge dated 27.10.1997 in W.P.No.7029 of 1989, the present writ appeal has been filed by the appellant.

Facts relevant to resolve the controversy in this appeal are that the petitioner was appointed as L.D.Clerk in the respondents Dock Labour Board, Visahapatnam, in the year 1972 and his services were regularized on 4.5.1973. The further case of the petitioner is that at the time of appointment, he produced Matriculation Certificate and Intermediate Certificate issued by the University of Rangoon, Burma as he studied there as a private candidate. On 23.9.1983 a charge sheet was issued to him alleging that the matriculation certificate, which he had produced was a fake one and as such, he was not qualified to the said post. In that regard, an enquiry was conducted by the Chief Accounts Officer and a report was submitted by him. Basing on the said report, the respondent-Dock Labour Board issued a show cause notice on 23.12.1988 calling his explanation as to why he should not be dismissed from service under Sub-rule (viii) of Rule 12 of the Visakhapatnam Dock Labour Board Staff (Recruitment and Conditions of Service) Rules, 1970. On 31.1.1989, the petitioner submitted his explanation. After considering the explanation, removal order was passed by the 2nd respondent on 15.2.1989. Hence, the writ petition.

Contraverting the allegations made in the writ petition, the respondents filed a detailed counter affidavit.

The learned single Judge having gone through the entire material on record, observed that there is sufficient record including evidence given by the police officer of C.B.I and also information received from Interpol to the effect that the certificate is not genuine. The learned Judge also observed that the jurisdiction of this Court is very limited to decide as to whether the evidence adduced in that regard is a perverse and whether there is no evidence in the case and accordingly dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Perused the order impugned and the other material available on record. It is apparent that during the course of enquiry, evidence could be ascertained only with regard to the Matriculation certificate, but not as to the Intermediate Certificate. However, even assuming for a moment that the Intermediate certificate is *bona fide* and genuine one, if the certificate as to the passing of Matriculation is a fake one, the petitioner cannot be permitted to continue the job on the basis of the Matriculation certificate. In this view of the matter, We have no hesitation to hold that the learned single Judge, is justified in rejecting the claim of the petitioner and dismissing the writ petition and as such, the said findings do not call for any interference by this Court.

The upshot of the aforesaid discussion is that the instant appeal is dismissed. No costs.

_____

T.MEENA KUMARI, J

_____

P.LAKSHMANA REDDY, J

22.6.2005

rkk

Copy to:

1. The Deputy Chairman, Dock Labour Board, Visakhapatnam.
2. The Chairman, Dock Labour Board, Visakhapatnam.
3. Two C.D. copies.